

As commissioner of Connecticut's Department of Environmental Protection since 2004, Gina has amassed an impressive record of accomplishments. She spearheaded the "No Child Left Inside" initiative in Connecticut and nationwide, which combines environmental education with numerous outdoor programs to promote physical activity while teaching kids to become good stewards of the environment. She has also been a key proponent of sustainable economic development in Connecticut, has worked tirelessly to reinvigorate our State park system, and has been a terrific advocate for open space and conservation initiatives.

Perhaps most prominently, Commissioner McCarthy was one of the driving forces behind the creation of the Regional Greenhouse Gas Initiative, RGGI, the Nation's first mandatory cap and trade program, which was adopted by 10 States in the Northeast to address the grave threat of climate change. The commissioner's work on the issue of climate change has been recognized and lauded nationally, and her experience will be invaluable when she is confirmed as Assistant Administrator for Air and Radiation. President Obama has made it clear that addressing climate change is a top priority for his administration, and as Assistant Administrator, Gina will play a vital role in developing and implementing policies to control greenhouse gas emissions.

In my view, this incredible list of accomplishments does not do justice to the qualities Gina will bring to her new position once she is confirmed. Across my State she has a well-deserved reputation for her boundless energy, incredible passion and determination, and willingness to speak frankly in order to address challenges head on.

Indeed, she has made such an enormous impact that on March 14, the Hartford Courant ran an editorial entitled "DEP Chief Gina McCarthy a Hard Act to Follow," which praised both her passion for the issues and her pragmatic approach. The Courant specifically noted her ability to revitalize a department which had lost the public's trust and engage people across the State in preserving Connecticut's landscape and Long Island Sound.

Once again, I congratulate Gina McCarthy and strongly urge all my colleagues to support her nomination. Connecticut's loss is a win for our Nation. And, while we are sad to see her leave Connecticut, I am confident that Gina will continue to be the outstanding advocate for the environment and public health she has always been and I look forward to working with her in her new capacity at the EPA.

The ACTING PRESIDENT pro tempore. The question is, Will the Senate advise and consent to the nomination of Regina McCarthy, of Massachusetts, to be an Assistant Administrator of the Environmental Protection Agency?

The nomination was confirmed.

The ACTING PRESIDENT pro tempore. Under the previous order, the mo-

tion to reconsider is laid upon the table, and the President will be immediately notified of the Senate's action.

#### LEGISLATIVE SESSION

The ACTING PRESIDENT pro tempore. The Senate will resume legislative session.

#### FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—MOTION TO PROCEED

##### CLOTURE MOTION

The ACTING PRESIDENT pro tempore. Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

##### CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the motion to proceed to Calendar No. 47, H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Harry Reid, Tom Harkin, Edward E. Kaufman, Mark Begich, Bernard Sanders, Michael F. Bennet, Mark Udall, Patty Murray, Claire McCaskill, Carl Levin, Jack Reed, Sheldon Whitehouse, Christopher J. Dodd, Jeff Merkley, Robert Menendez, Charles E. Schumer, Max Baucus.

Mr. ENZI. Mr. President, today the Senate will vote on cloture on the motion to proceed on H.R. 1256, the Family Smoking Prevention and Tobacco Control Act.

Full and fair debate is one of the hallmarks of American democracy and the Senate in particular. All we are voting on today is whether we are going to get to debate, not whether we are going to have FDA regulation of tobacco. But if this vote does not get 60 votes, we will not have the opportunity in this Congress to see whether we can take real steps to curb tobacco use.

Whether you are for this bill or against it, I urge you to support cloture on the motion to proceed. We cannot get to substantive amendments and improvements to the bill until we have cloture on the motion to proceed.

I will have a number of amendments to improve this bill and fight the scourge of tobacco use and its deadly health consequences. In order to get to offer my amendments, I will support cloture on the motion to proceed, and I urge my colleagues to do the same.

The ACTING PRESIDENT pro tempore. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to H.R. 1256, the Family Smoking Prevention and Tobacco Control Act, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from West Virginia (Mr.

BYRD), and the Senator from Massachusetts (Mr. KENNEDY) are necessarily absent.

Mr. KYL. The following Senator is necessarily absent: the Senator from Florida (Mr. MARTINEZ).

The PRESIDING OFFICER (Mrs. GILLIBRAND). Are there any other Senators in the Chamber desiring to vote?

The yeas and nays resulted—yeas 84, nays 11, as follows:

[Rollcall Vote No. 203 Leg.]

#### YEAS—84

Akaka	Feinstein	Murkowski
Alexander	Gillibrand	Murray
Barrasso	Graham	Nelson (NE)
Baucus	Grassley	Nelson (FL)
Bayh	Gregg	Pryor
Bennet	Harkin	Reed
Bennett	Hutchison	Reid
Bingaman	Inouye	Risch
Boxer	Isakson	Rockefeller
Brown	Johanns	Sanders
Burris	Johnson	Schumer
Cantwell	Kaufman	Sessions
Cardin	Kerry	Shaheen
Carper	Klobuchar	Shelby
Casey	Kohl	Snowe
Chambliss	Kyl	Specter
Cochran	Landrieu	Stabenow
Collins	Lautenberg	Tester
Conrad	Leahy	Thune
Corker	Levin	Udall (CO)
Cornyn	Lieberman	Udall (NM)
Crapo	Lincoln	Vitter
Dodd	Lugar	Voinovich
Dorgan	McCaïn	Warner
Durbin	McCaskill	Webb
Ensign	Menendez	Whitehouse
Enzi	Merkley	Wicker
Feingold	Mikulski	Wyden

#### NAYS—11

Bond	Coburn	Inhofe
Brownback	DeMint	McConnell
Bunning	Hagan	Roberts
Burr	Hatch	

#### NOT VOTING—4

Begich	Kennedy
Byrd	Martinez

The PRESIDING OFFICER. On this vote, the yeas are 84, the nays are 11. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

The Senator from Connecticut.

Mr. DODD. Madam President, I rise in support of S. 982, the Family Smoking Prevention and Tobacco Control Act, the matter that is before the Senate. This bill would give the Food and Drug Administration the authority to regulate the tobacco industry and put in place the tough protections for families that for too long have been absent when it comes to how cigarettes are marketed to our youngest citizens—our children.

This is an issue that many in this Chamber have worked on for a long time. For those who have been here for some time, this issue is not a new issue. It has been before the Congress now for over a decade, and for various reasons along the way—the other body has adopted this bill or we have adopted the bill but not at the same time the other Chamber has; the committees have acted but never in the same year or in the same Congress—so we have had sort of a disjointed process that has never brought the other Chamber and this one together around the importance of this legislation.

So once again we are here, this time I think with the greatest opportunity to do something I believe most Members—I cannot believe anyone in this Chamber could be adverse to the notion we ought to do everything in our power to limit the 3,000 to 4,000 children who every day—every single day—begin smoking in the United States.

Madam President, 400,000 of our fellow citizens die every year because of smoking-related illnesses. We are about to begin, in a few weeks, a debate on health care. One of the major provisions of that effort will be in the area of prevention. There are a lot of divisions I suppose about how we ought to proceed with health care, but as I have listened over the last number of months to our colleagues talk about health care reform, one issue—one issue—enjoys almost unanimous support; and that is, what can we do to reduce chronic illness in the country? How do we do a better job of having a health care system, not a sick care system? How do we prevent people from acquiring or contracting these illnesses that are so debilitating and so costly? One of them is, obviously, smoking-related illnesses and the 400,000 who die every year.

The one certain way is to try to limit the number of people who begin smoking every day; that is, our youngest citizens, our children. That is what this bill is all about. It comes down to simply that. We will have a long debate about various provisions in this bill, but in the final analysis, we will have to decide in the coming day or two whether, for the first time—the very first time—the Food and Drug Administration of our Nation will have the power and the capability to regulate tobacco products and begin to restrain—to restrain—the 3,000 to 4,000 who begin smoking every single day. So even in the 2 or 3 days we will debate this bill, keep in mind that during those 2 or 3 days, close to 10,000 children will begin smoking, 1,000 of whom will become addicted every day, and of that 1,000, anywhere from 300 to 500 will die. I have 76,000 children in my small State of Connecticut today who are going to die because of smoking-related illnesses, because they are already hooked and addicted to tobacco products. So there are a lot of things we debate and discuss and there is a lot of rhetoric and talk about protecting our children and protecting families, but here is an opportunity we have, as Democrats and Republicans coming together in common cause, to make a difference for literally millions of people in our country for years and years and years to come.

When the Supreme Court struck down the FDA's tobacco rule in 2000, it became very clear that legislation was going to be necessary in order to protect our children and the public health from deadly tobacco products. Eight years ago, I introduced comprehensive children's legislation that included, with the help of my good friend Sen-

ator HARKIN, the Kids Deserve Freedom From Tobacco Act to give the authority to the FDA over these products. In the 108th Congress, our colleague from Massachusetts, who has been a champion on this issue—who has been the leader and champion on this issue for literally years and years and years, Senator KENNEDY, and who is the major sponsor, by the way, of this legislation—was able to take this issue to the next level. He worked out a bipartisan bill called the Family Smoking Prevention and Tobacco Control Act with our colleague from Ohio, Senator MIKE DEWINE, Representatives HENRY WAXMAN, and TOM DAVIS of the other body and the other party, and other members of the HELP Committee on a bipartisan basis. The bill we consider today is virtually the same legislation that Senator KENNEDY and Senator MIKE DEWINE, HENRY WAXMAN and TOM DAVIS worked on before. It has a long history, having passed each Chamber, but never at the same time.

So allow me to share a little of that history with my colleagues as we enter this debate. In July of 2004, the Senate voted 78 to 15 to add it as an amendment to another bill; that is, this tobacco bill. Unfortunately, the language was removed in conference between the House and the Senate. Three months later, Senators KENNEDY and DEWINE reintroduced the legislation and it was passed by unanimous consent, but the other body did not consider it at that time. Refusing to give up, of course, as he always does—he never gives up—Senator KENNEDY reintroduced the bill in the 109th and the 110th Congresses. In August of 2007, the Health, Education, Labor and Pensions Committee, on which Senator ENZI and I serve, reported out this bill by a vote of 13 to 8. In July of 2008, the House passed a very similar bill by a margin of 326 to 102. Although the Senate version had 60 cosponsors, there was not enough time left in that year for the Senate to pass the House-passed legislation.

On April 2 of this year, the other body—the House—once again passed its version of this legislation, with very minor changes, by an overwhelming vote of 298 to 112.

The point I wish to make to my colleagues is simply this: Over the years, this bill has been reviewed, it has been vetted, it has been debated over and over. I think all of us, I would hope, agree that the time has come to act with uniformity in both Chambers, with the President committed to this issue to protect our Nation's children and pass this legislation into law.

Frankly, we can't afford to wait any longer. Every day, as I mentioned at the outset of these remarks, another 3,500 to 4,000 children are ensnared by tobacco companies that target them with impunity as they try smoking for the first time—every single day. One thousand of these children who will start today—that close to 4,000 across our country—will be addicted probably for life as smokers, and a third of that

number will eventually die—if not more—from smoking-related diseases.

The tobacco industry is well aware of these numbers. They know that if they can't bring children into the process, then they won't have any more smokers. If you lose 400,000 people a year who lose their lives from smoking-related illnesses, then you have to replenish those numbers somehow. You can't lose 400,000 people every year, year after year, from smoking-related illnesses and not replenish the numbers. How do you do it? You do it by drawing in children, by getting kids to start smoking. That is why they have been so successful. When you get 3,000 to 4,000 every day—every day starting—40,000 in a 10-day period, then do the math yourself and you see what happens very quickly. You begin to replenish those numbers. If a quarter of that number remains addicted for life, you make up that 400,000 rather quickly and that doesn't include, by the way, the foreign sales of tobacco products. That is just right here in our country.

I would suspect that if you have been a smoker or are a smoker—and let me say in truth in everything, I was a smoker and I know how difficult it is to give up tobacco products. Anyone who tells you it is easy doesn't know what they are talking about. It is hard. It is difficult. It is extremely difficult. But even people who smoke, I will tell my colleagues, the one thing they pray every day is that their children will not begin it. In fact, I suspect some of the strongest advocates of this legislation are the people who have been hooked on tobacco products and they would tell you that the one thing they pray and hope is that their children don't become addicted to this product because they know how damaging it is. They know what it does to them. They know the potential harm to themselves and to their families. So this is not an issue, in my view, that ought to cause any division among parents and family members when it comes to what happens to their children.

Tobacco companies, as I say, are well aware of all of this. Almost 90 percent of smokers begin as children, and that is an astonishing figure. Equally astonishing is the fact that smoking kills more Americans every year than alcohol, AIDS, car accidents, illegal drug use, murders, and suicides combined. Take all of those causes of death in our Nation, combine all of them, and they don't equal the number of people who lose their lives as a result of tobacco-related illnesses.

In my home State of Connecticut, more than one in five high school students smokes. Every year, 15,000 children in my State try cigarettes for the first time and another 4,600 become regular smokers. Absent action from our Congress, of course, more than 6 million children who are alive today will die from smoking, including the 76,000 I mentioned in my small State of Connecticut. This ought to be entirely unacceptable to all of us.

Here we are soon to begin a debate, as I said a few minutes ago, on health care, with the common cause of trying to create a health care system, not a sick care system, where prevention is going to be a major focus of our attention. I can't think of a more significant step we could take on the eve of dealing with the health care debate than having this Congress stand up with an overwhelming vote and say we are going to begin an effort here to reduce that 90 percent who end up beginning smoking over a lifetime—that is our children—and that is what this bill is designed to do.

If ever there was a moral obligation to act, I think it is at this moment. No one suggests that any law is going to stop every child—of course it won't—from lighting a cigarette or beginning that process. Obviously, parents have to do their part in educating their children, as do others. But we shouldn't be making it harder on them than it already is, which is precisely what we are doing every second that we fail to act on a bill such as this.

So the purpose of this historic public health legislation is very simple: It is to protect our children and give them a longer, healthier future—the future they deserve. It will give the Food and Drug Administration the authority to prevent the sale and marketing of tobacco to children, require changes to cigarettes to make them less harmful, and protect the public health, and to prevent tobacco companies from using misleading marketing practices to encourage tobacco use. It would accomplish this by prohibiting outdoor advertising within 1,000 feet of a school or playground. Parents ought not to live in fear that their children are being marketed cigarettes when they are at school every day. It would limit advertising in publications with significant youth readership to a black-on-white, text-only format; no pictures, mascots, or other eye-catching logos. It would restrict promotions that appeal to children and adolescents, and stop illegal sales of tobacco products to children and adolescents. Lastly, it would prohibit tobacco product vending machines except in adult-only facilities.

For this first time, the bill would regulate tobacco products, requiring all tobacco product manufacturers to register with the Food and Drug Administration and to provide that agency with a detailed product list. The legislation would assess user fees on manufacturers to pay for the cost of the FDA tobacco regulation. And it would mandate larger and far more informative health warnings on tobacco products, including prohibiting misleading terms such as "light" and "mild" on products that offer no health benefits whatsoever, and instead are intended to kill.

This bill is supported by over 1,000 organizations, including every major public health group in the United States: the Campaign for Tobacco Free Children, the American Cancer Soci-

ety, the American Lung Association, the American Heart Association, and many others. Thirty national faith organizations and over 800 State and local organizations support this bill. In addition, former Secretaries of Health and Human Services, both Democrats and Republicans, including Tommy Thompson and Donna Shalala; former Surgeon Generals, Republicans and Democrats, David Satcher and Richard Carmona; David Kessler, the former FDA Commissioner; and Julie Gerberding, the former CDC Director, have all expressed their support of the legislation now before us.

In its 2007 report, "Ending the Tobacco Problem: A Blueprint for the Nation," the Institute of Medicine urged Congress to: "Confer upon the Food and Drug Administration broad regulatory authority over the manufacture, distribution, marketing and use of tobacco products."

That is precisely what we give them in this bill. It deals with the manufacture, the distribution, and the marketing of tobacco products, particularly to our children.

Again, I hope my colleagues will gather behind this.

Lastly, let me say we would not be here on the cusp of winning this fight without the tireless efforts of our committee chairman, Senator TED KENNEDY of Massachusetts, who has made the public health the cause of his lifetime. It has been his passion over the past 40 years that he has been involved in his public career. This bill is but one more example of good policy he has shepherded through the Congress which puts children and their families and the public first. All of us ought to thank him for his leadership on this issue.

Passing this bill will be a historic victory for our Nation's children—protecting children from aggressive marketing by tobacco companies and establishing sound manufacturing practices of tobacco products. It will be an historic step for parents who have enough to worry about in today's day and age without having to be concerned that cigarettes are being marketed directly to them, or tobacco products designed in ways to be specifically appealing to the youngest of our citizens in this country. Parents deserve peace of mind when it comes to how dangerous tobacco products are being marketed. With this legislation, that is precisely what we are trying to do.

I will emphasize again, this is not going to stop all of the problems of children starting smoking every day, but if we can make a difference and cut those numbers down. Then we will have achieved a great deal for our Nation. This is an opportunity to do so.

I should point out as well, I am not unsympathetic at all to the tobacco States—the States that grow tobacco where literally thousands of farms, their livelihood, and jobs depend upon this industry. This bill takes into ac-

count the needs of those small family farmers to provide help to them as they transition. All of us know what it is like to be in a State where there are certain things that occur, products that are made, services provided where they could be adversely affected by changes through no fault of their own. This bill tries to accommodate, to the extent possible, the industries and the businesses in those States that would be adversely affected, obviously, by the reduction in the use of tobacco products by our citizenry as a whole. I think all of us here, and again particularly parents, whether you are a smoker or a nonsmoker—you ask any parent in this country whether they would like to see their children begin smoking—ask them that simple question. I don't care where you live, the last thing you want to see is your child begin a lifetime of use that you know is going to put their life in jeopardy from the moment they start. So if nothing else, as you think about this bill and you think about these amendments coming along, many of which may be appealing on a certain level, remember, we have tried for 10 years and we have failed. Think about how this bill might have made a difference 10 years ago, if it had been adopted, and how many young children might not have started because of the inclusions and the provisions in this bill.

We cannot wait for another Congress, another 2 or 4 or 5 years to get back to this again. This is the moment. This is the hour. This is the time when we can accomplish that kind of achievement. We have a chance to do something in a meaningful way, and I urge my colleagues to join us in this effort.

Let me also say this to my friend and colleague from Wyoming, who is a champion on this issue and cares deeply about it. We had a very good and extensive markup of the bill a couple of weeks ago. There are some outstanding amendments Senator ENZI has raised, and our staffs are working together to try to resolve those matters, as I promised we would, before we get to offering a substitute that may include some of the provisions we are in the business of trying to resolve. I thank him for his cooperation, and also the members of the committee, who stayed 2 days to mark up this legislation.

I commend my friend from Wyoming for his diligence in all of this, as he always demonstrates, and our colleagues on both sides of the committee, who worked on this legislation; I am grateful to them as well. I look forward to a good, healthy, and vibrant debate, with the final conclusion being strong support for this bill.

With that, I yield the floor.

THE PRESIDING OFFICER. The Senator from Wyoming is recognized.

Mr. ENZI. Madam President, I rise today to talk against the deadly scourge of tobacco. Tobacco use is the leading preventable cause of death in the United States. We have to take some dramatic steps to reduce smoking.

Smoking killed my dad, my mom, and my mother-in-law, and secondhand smoking conclusively affected me. This isn't political; this is about the health of all Americans. This bill comes out of the Health, Education, Labor, and Pensions Committee. The Senator from Connecticut, Mr. DODD, mentioned that we don't want kids to start. We don't want anybody to start. There is enough information out there that can tell you that this will kill you. So don't do something that will kill you. Yes, it is a slow death; it may take a number of years, but it will kill you. Cancer is one of the big results of smoking.

I wish to share a little bit from a contract that an oncologist—a person who deals strictly in solving cancer and providing cancer treatment—makes his patients sign before he will treat them because if they keep smoking, they are adding to the problem, causing recurrences of the problem. It starts off this way:

Tobacco is a dangerous substance. It contains 50 carcinogens (cancer-causing substances) and is a Group A Carcinogen in the same class as asbestos and radon. It has many toxic substances besides cancer-causing agents; among these are insecticides which are used on the tobacco plant. In some parts of the country, tobacco is used as an industrial insecticide because of this composition. Tobacco use is considered the number 1 preventable cause of death in the world. On average, tobacco users live 35 years less than non-tobacco users.

I go on to quote:

Tobacco has been found to cause a multitude of cancer types, whether it is smoked or used in a smokeless fashion. Tobacco is the number one cause of cardiovascular disease leading to heart attack and strokes. Emphysema, chronic bronchitis, and many other diseases are a consequence.

When I care for patients, I expect them to be involved in the healing process, no matter what disease they are afflicted by. If they continue to smoke, they do not want to improve their health. Because of this, they can either discontinue tobacco and continue under my care, or find another health care provider.

Any tobacco user followed in our clinic will be given the opportunity for tobacco cessation (quitting the habit).

They work with them on that.

Tobacco users must discontinue tobacco use within 2 weeks of the initial consultation.

I ask unanimous consent that the entire contract be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

#### TOBACCO POLICY

(By Philip C. McMahill M.D.)

Tobacco is a dangerous substance. It contains 50 carcinogens (cancer causing substances) and is a Group A Carcinogen in the same class as asbestos and radon. It has many toxic substances besides cancer causing agents; among these are insecticides which are used on the tobacco plant. In some parts of the country, tobacco is used as an industrial insecticide because of this composition. Tobacco use is considered the number 1 preventable cause of death in the world. On average tobacco users live 35 years less than non tobacco users.

Tobacco has been found to cause a multitude of cancer types, whether it is smoked or used in a smokeless fashion. Tobacco is the number one cause of cardiovascular disease leading to heart attacks and strokes. Emphysema, chronic bronchitis, and many other diseases are a consequence.

When I care for patients, I expect them to be involved in the healing process, no matter what disease they are afflicted by. If they continue to smoke, they do not want to improve their health. Because of this, they can either discontinue tobacco and continue under my care, or find another health care provider.

Any tobacco user followed in our clinic will be given the opportunity for tobacco cessation (quitting the habit). Tobacco users must discontinue tobacco use within 2 weeks of the initial consultation.

Random urine nicotine testing is used to monitor patients. If a patient is positive on 3 urine nicotine tests, they must find another health care provider. If someone refuses nicotine testing on any given day, that counts as a positive urine nicotine. If a patient has a positive urine test and is on treatment, the treatment will be delayed for one week. Do not use nicotine products, such as patches or gum that may cause a positive urine test.

Patient Signature  
Date

Mr. ENZI. Madam President, I did notice that in the last couple of weeks, a Federal appeals court has even looked at a landmark ruling that found that the Nation's top tobacco companies were guilty of racketeering and fraud for deceiving the public about the dangers of smoking. A three-judge panel of U.S. courts of appeals in Washington unanimously upheld requirements that manufacturers change the way they market cigarettes. The requirements, which have been on hold pending appeal, would ban labels such as low tar, light, ultra light, or mild, since such cigarettes have been found to be no safer than the others. That is one of the requirements in this bill—that they cannot use that kind of false advertising.

I wish to share some facts with you. The Senator from Connecticut shared some with you. These are from the Centers for Disease Control and Prevention. Among current U.S. adult smokers, 70 percent report they want to quit completely. In 2006, an estimated 19.2 million adult smokers had stopped smoking for at least 1 day during the preceding 12 months because they were trying to quit. That is more than 44 percent of the smokers. Think about it—70 percent of smokers want to quit, and 44 percent of them are trying each year. Unfortunately, not enough of them succeed. I know what a terribly addictive thing it is. I watched my parents deal with it. The numbers are even more shocking when we consider youth smokers. Nearly one in five young people smokes, but more than 54 percent of current high school smokers in the United States tried to quit smoking during the preceding year.

We need to get people to stop smoking or, better yet, never start. I support incentives to quit smoking—for example, offering incentives to lower health insurance premiums for those

who stop smoking or, better yet, who never start. That becomes a continuing cost to us. The cost of health care is out of control. There seems to be support in the context of health care reform.

Full, fair, and open debate is critical to the democratic process. I am pleased to have the opportunity this week to offer amendments to this bill to help lessen the toll tobacco takes on our society. Senator DODD mentioned the committee action. We have a committee that works a little differently from some of the others. We look at that opportunity of the committee process to see what the key concerns are and to see how they can be incorporated into making a better bill. That is what Congress is about. That is why we have 100 people here and 435 on the other end of the building, so that we get a lot of backgrounds, opinions, and ideas, so that can avoid unintended consequences and tighten up processes so that what we are trying to do can actually get done.

I appreciate the way this bill has been worked on. One of the things we did, of course, was leave about six amendments to be worked on in the interim, before we actually get to amendments on this bill. I am hopeful those can be worked out so they will tighten up the bill a little bit more.

This Congress does have a unique opportunity to have an impact on smoking and health consequences. My record is clear when it comes to tobacco. I am no friend of big tobacco. I have never taken a dime of tobacco company money for my campaigns, and I don't intend to start now. I have ideas to make a real impact on the public health and win the war on tobacco.

I thank the Senator and all those on the other side of the aisle for the serious consideration they are giving the bill and the opportunity now to have the floor debate. I am hoping we will stick to germane issues so that it will stay a tobacco bill. That is the only way we will actually reach a conclusion on it.

I hope the ideas presented with the goal of making this a better bill will get serious consideration. I am sure they will. I encourage people to bring those ideas forward and, if they will, talk to us a little bit before they put them in to see if they are already under consideration as opposed to already in the bill.

I am thankful for this opportunity. I am glad that the bill is being brought to the floor and that it went through the regular process. I hope something good can come out of this. We need to make sure what we are doing will stop smoking.

I yield the floor.

The PRESIDING OFFICER. The Senator from Connecticut is recognized.

Mr. DODD. Madam President, I thank my colleague from Wyoming for his eloquent comments and his commitment to the issue.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill clerk proceeded to call the roll.

Mr. DODD. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. DODD. Madam President, I ask unanimous consent that during today's session the recess time for the caucus luncheon period and any period of morning business be counted postcloture.

The PRESIDING OFFICER. Without objection, it is so ordered.

### RECESS

Mr. DODD. Madam President, I ask unanimous consent that the Senate stand in recess under the previous order.

There being no objection, the Senate, at 12:21 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Acting President pro tempore.

### FAMILY SMOKING PREVENTION AND TOBACCO CONTROL ACT—MOTION TO PROCEED—Continued

The ACTING PRESIDENT pro tempore. The Senator from Tennessee.

#### NUCLEAR POWER

Mr. ALEXANDER. Mr. President, 1 year ago I went to the Oak Ridge National Laboratory in Tennessee to propose a new Manhattan Project to put America on the path to clean energy independence. The project would focus on seven grand challenges: plug-in electric cars and trucks, carbon capture from coal plants, making solar power cost competitive; recycling used nuclear fuel, advanced biofuels from crops we don't eat, green buildings, and fusion. Last week I went back to Oak Ridge, spoke to a gathering, a summit of people from several States who were meeting to talk about how to attract and keep high technology jobs. I proposed that the United States should build 100 new nuclear plants during the next 20 years, while scientists and engineers figure out the grand challenges I discussed 1 year ago. This would double America's nuclear powerplants which today produce 20 percent of all of our electricity and 70 percent of our pollution-free, carbon-free electricity. This is an aggressive goal. But with Presidential leadership, it could happen. I am convinced it should happen. Conservation and nuclear power are the only real alternatives we have today to produce enough low-cost, reliable, clean electricity to clean the air, deal with climate change, and keep good jobs from going overseas. Climate change may be the inconvenient problem of the day, but nuclear power is, for many skeptics, the inconvenient answer. These nuclear skeptics cite regulatory delays and past problems with safety. They appoint commissions

to slow walk decisions about recycling used nuclear fuel. They point to the shortage of welders for new plants. They complain that Japan and France are building most of the essential equipment for new nuclear plants. No surprise, since Japan is building 1 nuclear plant a year, and France is producing 80 percent of all of its electricity from nuclear powerplants. The skeptics say that carbon from coal plants contributes to climate change, which is true, and so they offer their solution: operate our big complex country, which uses 25 percent of all of the energy in the world, on electricity generated from the wind, the sun, and the Earth. One day that might be possible. But today there is a huge energy gap between the renewable electricity we wish to have and the reliable, low-cost electricity that we must have. My guess is, it will be 30 or 40 or 50 years before these new sources of electricity are cheap enough and reliable enough to supply most of the power to our electric grid.

The nuclear skeptics in Congress, urged by the President, reported last month an energy and climate change bill that would require 20 percent of our electricity to be made from a very narrow definition of renewable energy. My visit to Oak Ridge was to a gathering to discuss how to attract and keep high tech jobs in the region. I tried to paint a picture for those attending about how this legislation would affect those who attended.

To put things in perspective, the Tennessee Valley Authority produces an average of about 27,000 megawatts of electricity for industrial and household customers in our seven-State region. Sixty percent comes from coal, 30 percent from nuclear, 8 percent from hydroelectric power, and 1 percent from natural gas. Across the country, it is 50 percent coal, 20 percent nuclear, 20 percent natural gas, and 6 percent hydroelectric power. Nationally, only about 1½ percent of electricity comes from the Sun, the wind, and the Earth. Almost none of the TVA's power does. But the 40 percent of TVA power that comes from nuclear and hydro plants is just as clean as these narrowly defined renewables. It is free of pollution that dirties the air, and it is free of carbon that contributes to global warming. In that sense, TVA is the sixteenth cleanest utility in the country already.

Here is another yardstick. The new nuclear powerplant at Watts Bar in Tennessee can produce 1,240 megawatts of electricity. The Bull Run coal plant produces about 870 megawatts; the Fort Loudoun Dam, 150 megawatts. All three operate almost all the time. This is called base load power, which is important since large amounts of power can't be stored. Some forget that solar power is only available when the Sun shines and wind power is only available when the wind blows.

So how much renewable electricity is available in our region? The new solar plant our Governor Phil Bredesen has

proposed in Haywood County would cover 20 acres but produce just 5 megawatts. The 18 big wind turbines atop Buffalo Mountain, a few miles away from where I made my speech, have the capacity to produce 29 megawatts but actually produce only 6 megawatts. It may be also possible to squeeze a few hundred megawatts from turbines in the Mississippi River. The Southern Company's new biomass plant in Georgia—biomass is sort of a controlled bonfire of waste wood products—would produce 96 megawatts. All this for a utility that needs 27,000 megawatts to operate at any given time.

Each of these sources of renewable energy consumes a lot of space. For example, the big solar thermal plants in the western desert where they line up mirrors to focus the Sun's rays take more than 30 square miles—that is more than 5 miles on a side—to produce the same 1,000 megawatts that one can get from a single coal or single nuclear plant that sits on one square mile. Or take wind, to generate the same 1,000 megawatts with wind, one would need 270 square miles. That is 16 miles on a side. An unbroken line of wind turbines 50 stories high from Chattanooga to Bristol would give us only one-fourth of the electricity we get from one unit of the Watts Bar nuclear powerplant which fits on one square mile, and we would still need the nuclear powerplant for the times when the wind doesn't blow. There is good reason why there is only one wind farm in the entire southern United States. In our region, the wind blows less than 20 percent of the time. Much of that time is at night when TVA already has several thousand megawatts of unused electricity.

Biomass will be a renewable source that we will emphasize in the South, we are told. That's a good idea. It might reduce forest fires, and it will conserve resources. The National Forest Service told us last week that there are 2 million tons of wood scraps and dead trees in Tennessee's forests, and pulp and paper companies might produce another 2 million tons. That sounds like a lot. But let's not expect too much. We would need a forest the size of the entire 550,000-acre Great Smoky Mountain National Park to feed a 1,000-megawatt biomass plant on a sustained basis. That is a plant that would produce as much electricity as one nuclear power unit.

Think of the energy it is going to take to haul this around. Georgia Southern says it will take 160 to 180 trucks a day to feed biomass into a 96-megawatt electrical plant. Remember, TVA uses at least 27,000 megawatts of electricity every day.

Of course, conservation and efficiency are the places to start when looking at America's and, especially, Tennessee's electricity futures. Tennesseans use more electricity per person than residents of any other State. If we reduced our use to the national